

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KELVIN SETTLE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17 CV 1343 JMB
)	
BANK OF AMERICA, N.A.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on pro se Plaintiff Kelvin Settle's ("Plaintiff") Motion for Default Judgment Pursuant Federal Rules of Civil Procedure 55(b)(2)¹ (ECF No. 10).

According to Plaintiff, Defendant Bank of America, N.A. ("Defendant") has failed to timely file an answer or responsive pleading to his Petition and therefore he seeks a judgment by default. Defendant was served on March 17, 2017. (ECF No. 1-1) On April 24, 2017, the date Defendant's responsive pleading was due, Defendant filed a Motion for Extension of Time to File Answer or other Responsive Pleading. (ECF No. 8) On April 26, 2017, the Court granted Defendant an extension, until May 4, 2017, to file an answer or other responsive pleading. (ECF No. 9) Thus, the time for Defendant to file its answer or other responsive pleading has not expired, and Defendant is not in default.

Accordingly,

¹ Fed.R.Civ.P. 55(b) allows a court to enter default judgment against a party that has failed to plead or otherwise defend an action.

IT IS HEREBY ORDERED that Plaintiff's Motion for Default Judgment Pursuant Federal Rules of Civil Procedure 55(b)(2) (ECF No. 10) is denied without prejudice, subject to renewal of such motion if deemed necessary.

/s/ **John M. Bodenhausen**
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of April, 2017.